



Sen. Julie A. Morrison

**Filed: 4/15/2021**

10200SB0755sam001

LRB102 04572 KMF 24107 a

1 AMENDMENT TO SENATE BILL 755

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 755 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Children and Family Services Act is  
5 amended by changing Section 5e and by adding Section 6b-1 as  
6 follows:

7 (20 ILCS 505/5e)

8 Sec. 5e. Advocacy Office for Children and Families.

9 (a) The Department of Children and Family Services shall  
10 establish and maintain an Advocacy Office for Children and  
11 Families that shall, in addition to other duties assigned by  
12 the Director, receive and respond to complaints that may be  
13 filed by children, parents, caretakers, and relatives of  
14 children receiving child welfare services from the Department  
15 of Children and Family Services or its agents. The Department  
16 shall promulgate policies and procedures for filing,

1 processing, investigating, and resolving the complaints. The  
2 Department shall make a final report to the complainant of its  
3 findings. If a final report is not completed, the Department  
4 shall report on its disposition every 30 days.

5 (b) If a youth in care, current foster parent or  
6 caregiver, or caseworker requests the information, the  
7 Advocacy Office shall make available the name, electronic mail  
8 address, and telephone number for each youth's court-appointed  
9 guardian ad litem and, if applicable, the guardian ad litem's  
10 supervisor.

11 (c) The Advocacy Office shall include a statewide  
12 toll-free telephone number and an electronic mail address that  
13 may be used to file complaints, or to obtain information about  
14 the delivery of child welfare services by the Department or  
15 its agents, and to obtain the contact information for the  
16 guardian ad litem. This telephone number and electronic mail  
17 address shall be included in all appropriate notices and  
18 handbooks regarding services available through the Department.

19 (d) The Department shall provide a flyer to all youth  
20 entering care describing the responsibilities of the Advocacy  
21 Office listed in this Section, the toll-free telephone number  
22 and electronic mailing address for the Advocacy Office, and a  
23 description of the role of a guardian ad litem. The Department  
24 shall also provide this flyer to youth at every administrative  
25 case review.

26 (Source: P.A. 92-334, eff. 8-10-01; 92-651, eff. 7-11-02.)

1 (20 ILCS 505/6b-1 new)

2 Sec. 6b-1. Maintaining and tracking information on  
3 guardians ad litem. The Department must maintain the name,  
4 electronic mail address, and telephone number for each youth  
5 in care's court-appointed guardian ad litem and, if  
6 applicable, the guardian ad litem's supervisor. The Department  
7 must update this contact information within 5 days of  
8 receiving notice of a change. The Advocacy Office for Children  
9 and Families, established pursuant to Section 5e, must make  
10 this contact information available to the youth in care,  
11 current foster parent or caregiver, or caseworker, if  
12 requested. By December 31, 2021, the Department shall adopt  
13 rules for maintaining and providing this information.

14 Section 10. The Juvenile Court Act of 1987 is amended by  
15 changing Section 2-17 as follows:

16 (705 ILCS 405/2-17) (from Ch. 37, par. 802-17)

17 Sec. 2-17. Guardian ad litem.

18 (1) Immediately upon the filing of a petition alleging  
19 that the minor is a person described in Sections 2-3 or 2-4 of  
20 this Article, the court shall appoint a guardian ad litem for  
21 the minor if:

22 (a) such petition alleges that the minor is an abused  
23 or neglected child; or

1 (b) such petition alleges that charges alleging the  
2 commission of any of the sex offenses defined in Article  
3 11 or in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,  
4 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the  
5 Criminal Code of 1961 or the Criminal Code of 2012, have  
6 been filed against a defendant in any court and that such  
7 minor is the alleged victim of the acts of defendant in the  
8 commission of such offense.

9 Unless the guardian ad litem appointed pursuant to this  
10 paragraph (1) is an attorney at law, he or she shall be  
11 represented in the performance of his or her duties by  
12 counsel. The guardian ad litem shall represent the best  
13 interests of the minor and shall present recommendations to  
14 the court consistent with that duty.

15 (2) Before proceeding with the hearing, the court shall  
16 appoint a guardian ad litem for the minor if:

17 (a) no parent, guardian, custodian or relative of the  
18 minor appears at the first or any subsequent hearing of  
19 the case;

20 (b) the petition prays for the appointment of a  
21 guardian with power to consent to adoption; or

22 (c) the petition for which the minor is before the  
23 court resulted from a report made pursuant to the Abused  
24 and Neglected Child Reporting Act.

25 (3) The court may appoint a guardian ad litem for the minor  
26 whenever it finds that there may be a conflict of interest

1 between the minor and his parents or other custodian or that it  
2 is otherwise in the minor's best interest to do so.

3 (4) Unless the guardian ad litem is an attorney, he or she  
4 shall be represented by counsel.

5 (4.5) Pursuant to Section 6b-1 of the Children and Family  
6 Services Act, the Department of Children and Family Services  
7 must maintain the name, electronic mail address, and telephone  
8 number for each minor's court-appointed guardian ad litem and,  
9 if applicable, the guardian ad litem's supervisor. The  
10 Department of Children and Family Services must update this  
11 contact information within 5 days of receiving notice of a  
12 change. The Advocacy Office for Children and Families,  
13 established pursuant to Section 5e of the Children and Family  
14 Services Act, must make this contact information available to  
15 the minor, current foster parent or caregiver, or caseworker,  
16 if requested.

17 (5) The reasonable fees of a guardian ad litem appointed  
18 under this Section shall be fixed by the court and charged to  
19 the parents of the minor, to the extent they are able to pay.  
20 If the parents are unable to pay those fees, they shall be paid  
21 from the general fund of the county.

22 (6) A guardian ad litem appointed under this Section,  
23 shall receive copies of any and all classified reports of  
24 child abuse and neglect made under the Abused and Neglected  
25 Child Reporting Act in which the minor who is the subject of a  
26 report under the Abused and Neglected Child Reporting Act, is

1 also the minor for whom the guardian ad litem is appointed  
2 under this Section.

3 (6.5) A guardian ad litem appointed under this Section or  
4 attorney appointed under this Act shall receive a copy of each  
5 significant event report that involves the minor no later than  
6 3 days after the Department learns of an event requiring a  
7 significant event report to be written, or earlier as required  
8 by Department rule.

9 (7) The appointed guardian ad litem shall remain the  
10 minor's ~~child's~~ guardian ad litem throughout the entire  
11 juvenile trial court proceedings, including permanency  
12 hearings and termination of parental rights proceedings,  
13 unless there is a substitution entered by order of the court.

14 (8) The guardian ad litem or an agent of the guardian ad  
15 litem shall have a minimum of one in-person contact with the  
16 minor and one contact with one of the current foster parents or  
17 caregivers prior to the adjudicatory hearing, and at least one  
18 additional in-person contact with the child and one contact  
19 with one of the current foster parents or caregivers after the  
20 adjudicatory hearing but prior to the first permanency hearing  
21 and one additional in-person contact with the child and one  
22 contact with one of the current foster parents or caregivers  
23 each subsequent year. For good cause shown, the judge may  
24 excuse face-to-face interviews required in this subsection.

25 (9) In counties with a population of 100,000 or more but  
26 less than 3,000,000, each guardian ad litem must successfully

1 complete a training program approved by the Department of  
2 Children and Family Services. The Department of Children and  
3 Family Services shall provide training materials and documents  
4 to guardians ad litem who are not mandated to attend the  
5 training program. The Department of Children and Family  
6 Services shall develop and distribute to all guardians ad  
7 litem a bibliography containing information including but not  
8 limited to the juvenile court process, termination of parental  
9 rights, child development, medical aspects of child abuse, and  
10 the child's need for safety and permanence.

11 (Source: P.A. 100-689, eff. 1-1-19; 101-81, eff. 7-12-19.)

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.".